

QIKJS-Part.I.F(re)

Qualitative Inquiry of Korean Judicial System

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PAKJS & Research Design

Research Design

Since the research design governs the whole of research process, the most suitable method needs to be selected (Kim, 2015a,b,c,d,e). The research problem lying within the PAKJS has the attribute that could best be investigated by the qualitative method. The quantitative method employs the quantified information that aims at description of properties attributed to the general populace. Since the measure of parameter at total often poses the challenge as a matter of practice, the statistics will aid and sampling would be practiced to collect the raw data. Since the essence of quantitative research focuses on the number or frequency, the data obtainable from the public survey or other ways of data collection generally are of scaled nature and prearranged inquiry forms or quantifiable. This generally limits to seek the qualitative nature of information triggering the whole of person as a component of populace. The characteristic of quantitative method (QNM) may be highlighted in two folds (i) it pursues the description of general populace than a parochial or intact cultural group (ii) it is designed to test hypotheses deducted from the theory and philosophy. These fall in contrast with the qualitative method (QLM) that the design would be more suitable with a distinct cultural group and the areas of research as less exploited or cultivated.

The QNM is conducted with a deductive thinking while the QLM would be inductive to invent the kind of proposition, hypothesis or even theory (Creswell, 2013).. While the QNM is more plausible with the scientific aesthetics given its coverage of general populace, some area of knowledge within the society – interchangeably humanity and universe -- could only be excavated through the qualitative studies because of the nature of study including the research problem, purpose of the studies, as well as research questions. Among the major five qualitative approaches, I consider that the grounded theory guides my research design which provides for the generation of a theory complete with a diagram and hypotheses of actions, interactions, or processes through interrelating categories of information based on the data collected from individuals (Corbin & Strauss, 2007). The approach emphasizes “positivist underpinnings,” “three sociological modes,” “postmodern perspectives,” and etc. Given the previous research on the PAKJS had often been generated by the legal scholars, their perspective and frame of thought can well be seen from the kind of attitude as “all knowing analysts,” which militates against the generation of creative knowledge and new convivial

theories, for example, questioning legitimacy and authority. The mindset and attitude “acknowledged participant” would be an important base of steering the data collection and analysis, leading to the final write-up.

As seen previously, the research questions would comprise three central questions and four sub-questions and can be most salient within the characteristic of GT approach according to the formula of Creswell.

Table Characteristics and Research on the PAKJS

Characteristics	Narrative Research	Phenomenology	Grounded Theory	Ethnography	Case Study
Focus			O		
Type of Problem Best Suited for Design			O		O
Discipline Background		O	O		O
Unit of Analysis		O	O	O	O
Data Collection Form	O	O	O	O	O
Data Analysis Strategies	O	O	O	O	O
Written Report			O	O	

A Thought on the Strengths and Weaknesses

Strengths Creswell suggested self-reflexive questions to evaluate the beginning part of qualitative research (2013). For example, we can ask “how can the problem statement be best written to reflect one of the approaches to qualitative question?” The researchers should not merely plan on tentative research problem, but need to consider a practical aspect of research operation. In that concern, the facile frame simply enmeshed into traditional five approaches would guarantee its feasibility and practicability since those five approaches generally are convinced of success with the long period of professional experiences and convention. The

problem statement in my case simply shows that the focus group or ground theory of approach could well base my research operation with the in-depth interviews or close observations over time period. And the journal writing through the research could be practiced to enrich the stories, which demystifies the interviewees and decenters the traditional scope of group awareness (O'Sullivan, Rassel & Berner, 2008). The authentic profile of qualitative research may relate self with the concerned target group of research, so that we may receive "tell me your story" as if the qualitative researcher would be a theme itself. This may be most convivially present in the ground theory, and it would be the case of this research plan. Creswell likes to think about the research problem as coming from "real life" issues or from a gap in the literature, or both. Personal experience with an issue or a job-related problem would be a popular source for qualitative plan along with the scholarly literature and an advisor's agenda (Creswell, 2013). Personal experience and job-related problem sprang to compose my research plan. The deficiencies of literature could be a useful defense that I have exerted on the present status of research theme. Barritt also gave an insight that the rationale for the research of social science is not the discovery of new elements, but heightening of awareness for experiences which has been forgotten and overlooked (2013). This aspect is a crucial motivator to structure my dissertation prospectus. I also hopefully expect that the research is to create dialogue leading to better understanding of the way things appear to someone else and improvements in practice.

Weaknesses For the quantitative researchers, the statistical methods are powerful indeed to establish validity and reliability of research findings that would lead the researchers into the kind of already marshaled formula. Unlike quantitative researchers, qualitative researchers aim to design and incorporate methodological strategies to ensure the quality, credibility and trustworthiness of the findings (Patton, 2002). Otherwise, the method would be weaker than the quantitative method. The weakness lies that the issues of quality and credibility intersect with audience and intended research purposes, and could vary with philosophical and theoretical orientations. Therefore, the ways of enhancing the quality and credibility of qualitative analysis critically be interwoven with the three distinct concerns (i) rigorous techniques and methods for gathering and analyzing qualitative data, including attention to validity, reliability, and triangulation (ii) the credibility, competence, and perceived trustworthiness of the qualitative researcher (iii) and the philosophical beliefs of evaluation users about such paradigm-based preferences as objectivity versus subjectivity, truth versus perspective, and generalizations versus extrapolations (2002). In this context, the rigor is often an important standard to evaluate the quality and credibility or trustworthiness, and the "best possible way" standard will be an effective overall yardstick to measure holistically the qualitative research.

A Rationale for the Qualitative Method

In purpose of arguing for the suitability of QLM in my case, I may begin with the negative approach that justifies my exclusion of QNM. Since my topic deals with the PAKJS, I may devise hypotheses that would be tested by exploring the empirical data within the samples drawn to saturate the statistical guide. The hypotheses may be deducted from the theory of public administration or judicial system, for example, such one as "The PAKJS is most idealistic in terms of western standard or history on the rule of law and democracy." It fortunately would not be a null hypothesis that statistically is proven to be valid to progress on

the research. Then I may devise research questions, often *why* type as would be with the QNM, and prepare the survey questionnaires to collect information from the participants. Then I may analyze the survey results, discuss the implications and answer the research questions, for example, such as “Why is the PAKJS deviated from the public wishes?” That could be made as one piece of research, but is thought as less striking in terms of general viewpoint on methodology, and as unsatisfactory as relates with my research plan. Generally, the delimitation of general populace poses a challenge that the investigation of Korean public as a whole would be too costly with the extensive plan of public survey or inadequate as a matter of topic’s attribute. Second, since the knowledge of PAKJS would be underpinned distinctively with the qualified and professional context of leverage, the empirical data need to be collected from the actors or players, the kind of distinct cultural group pertaining to the quality of qualitative method, as a matter of public policy research (O’Sullivan, Rassel & Berner, 2008). The survey questions of QNM may present several reasons for the mal-practice of PAKJS, for example, (i) disparate regional politics of Korea (ii) socio-economic particulars of nation (iii) northern threat (iv) resilient or conservative bureaucratic tradition (v) lack of learning and information, and the kind. Assume if the (ii) and (iii) may have most responses as a reason. However, it simply could not solve the inherent reason for that problem since the question entails a complicated human interchange -- hence, process, action and interaction -- as generally less meaningful with the quantified simplification. Thirdly, the prearranged survey questionnaires imply that the researcher would be all known analysts, which undermines the goal of social science that idealistically would be expected so as to be truly entwined with the field. Given the research participants are policy makers themselves or influential about the topic, the QNM would be very ineffective dealings, which, however, could turn be more productive when deferring to the mouth of participants since they are most knowledgeable and experienced. In this case, it would be the kind of overconfidence on self -- i.e., devising the prearranged questionnaires -- that the researcher initiates leading the story or archaic of expected knowledge on that specific research. That would particularly be problematic given the simple language of quantitative survey. Instead, the specific and open-ended questions as within the in-depth research would be any proper approach to deal with the research questions (Glaser, 1978).

I may present several grounds positively to select the qualitative or slim mixed method that will address my research questions.

The research questions inquire of the dimension of *how* that is dynamic, lively, and process-illuminating and that would be discovered through the in-depth investigation of actors and stake or interest holders. The survey method comes with more than emphasis on the generalizability and would mostly be effective to solve the *why* question since it tests on the verifiability of hypotheses. The query in my case is not why the PAKJS would be distorted or angulated from the paradigm of civil judicial system, but is concerned of how the subsystem, philosophy or ideology and learning as well as the agendas of PAKJS are acted out, interacted, and processed that formed or evolved and currently are being argued in terms of public policy and administration.

I have particularly been interested in building upon a theory that comprehensively exposes the picture and phenotype of Korean judicial system, which merits the employment of GT approach (Glaser & Strauss, 1967). As a participant and researcher, my background as a

lawyer and law professor would help, but must take care not to be prejudiced as the kind of “all known analysts” attitude. In other words, the convivial data drawn from so knowledgeable senior attorneys and civil leadership have to inform my studies locating the characteristic of PAKJS. The open and axial coding as well as selective coding will guide the data analysis and the results will be utilized to produce the various concepts, terms, and themes, and elements of PAKJS that would cohesively be built into a theory with a mosaic of actions, interactions and processes.

The area of interest is particular in terms of participant quality, in which they are knowledgeable and have a track of expertise on the field that will be investigated. In the preliminary process, they, in fact, admitted that their profession and field of practice are actually not amenable to the scaled notion about the phenomenon. They sigh, “how I could describe my experience of PAKJS in words or structured format of question!” Since my studies are focused on the policy makers and administrators, the notion to the classified participants are important that the truths could be divulged with a deep engagement. That would be in contrast with the case that my studies have a focus on the public at large, who are merely a subject, either the kind of victim or that of beneficiary depending on the PAKJS and consequent good or evil arising from the ill-designed or undesired judicial system or prejudicial actors. In that focus, the public survey would serve better with the generalizability assumption provided that they are less knowledgeable and without an expertise as a producer of system or players as a subsystem. They know less than an investigator that the prearranged survey can be a matter of course to address the research needs. In my focus, the participants are either equal to the investigator or superior to experience and know the research topic that requires a strenuous or committed engagement, what we say, a zigzag process of data collection and analysis. The theme will be emerging constantly with a dialectic process of investigation that is the trait of qualitative method. The data analysis will be iterative and exhaustive that left nothing to be unlearned. These needs generally nearly could satisfactorily be serviced with the quantitative design although the coverage might be perfect with the quantitative sampling and statistical assumption. In the preliminary diagnosis, the actors described their truths as something mixed with the grizzled experience and professional talents from the past through present (van Manen, 1990). Given such reality, the qualitative investigation would best fit within my research plan most scientifically.

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